

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW THOMAS HARRISON,

Plaintiff,

v.

Case No. 2:22-cv-10335

District Judge Terrence G. Berg

Magistrate Judge Anthony P. Patti

WELLPATH, L.L.C., *et al.*,

Defendants.

ORDER DIRECTING THE CLERK TO TERMINATE THE “UNKNOWN DEFENDANTS” and DIRECTING THE U.S. MARSHAL SERVICE TO ATTEMPT SERVICE UPON WAYNE COUNTY AT NEW ADDRESS

Plaintiff’s original and amended complaints name a multitude of Defendants. (ECF No. 1, PageID.2-4; ECF No. 7, PageID.2-4.) Defendants Wellpath, Washington, and Aisha (Freeman) Graham have appeared. (ECF Nos. 10, 15, 22.) Benny Napoleon, who is deceased, was terminated as a Defendant by way of the Court’s June 13, 2022 order. (ECF No. 17.)

Two matters require the Court’s attention. First, Plaintiff lists several “unknown” Defendants, such as: (1) 1-2 unknown dentists; (2) 2-3 unknown dental assistants/nurses; (3) unknown medical kite supervisor/scheduler; (4) unknown social worker / scheduler / nurse; and, (5) unknown dental / medical director. (ECF No. 1, PageID.2-4; ECF No. 7, PageID.2-4.) In response to the Court’s show cause order of June 13, 2022 (ECF No. 17), Plaintiff states: “For the

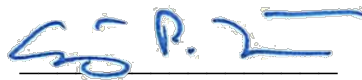
mean time I am OK with the unknown individuals being dismissed from the case[,] but I would request the court to be permitted to add any John/Jane Does back as information is uncovered.” (ECF No. 19, PageID.129-130.) The Court treats this statement as a request for voluntary dismissal under Fed. R. Civ. P. 41(a).

Accordingly, all “Unknown” parties are **HEREBY DISMISSED** from the case without prejudice. If Plaintiff later determines that certain parties should be added, he may file the appropriate amended pleading or motion for leave to amend, as applicable to the procedural posture of the case at that time. *See* Fed. R. Civ. P. 15 (“Amended and Supplemental Pleadings”).

Second, the U.S. Marshal Service (USMS) June 2022 attempts to serve Wayne County at 600 Randolph St. were returned as undeliverable. (ECF Nos. 18, 20, 21.) Accordingly, the USMS is **DIRECTED** to attempt service of process upon Defendant Wayne County at 500 Griswold, Detroit, MI 48226.

IT IS SO ORDERED.¹

Dated: September 1, 2022



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

¹ The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).